Douglas On The Press and The Witch Hunters, P. 3

Odd Answers at State Department to Queries About Troop Landings in Thailand

Q. Have we got formal permission from Thailand yet to land Marines there?

A. Let me just say that we are working very closely with the Government of Thailand. . . .

Q. Have they requested American reinforcements?

A. I can't answer specific questions like that.

Q. Are they specifically in agreement with the precautionary measure of landing Marines in Thailand?

A. No comment.

Q. Is the U.S. consulting members of the SEATO alliance on this?

A. I can't answer that specifically.

—State Dept. daily press briefing May 12

Q. Link [Lincoln White, State Dept. official spokesman], I am a little confused about the SEATO relationship. We haven't even advised the SEATO Council what we are doing. We have advised individual members of SEATO but we haven't told the Council as such in Bangkok.

A. Unless there was a meeting out there today, that would be my supposition.

Q. There may be a public explanation which I missed this morning for our reasons for not going to SEATO first. Is there some?

A. I am just not prepared to discuss that.

—State Dept. daily briefing May 13

Q. Link, there seems to be some confusion over whether Thailand will ask our SEATO allies to send troops. Do you have any information on that?

A. I better let the Thais speak for themselves. I just have no precise information on that. . . .

Q. Do you know whether any requests have gone out from the Thai government?

A. No, I don't.

—State Dept. daily press briefing May 18

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Hardly Setting An Example of Adherence to World Law

The Kennedy Administration is not being at all candid about the dispatch of troops to Thailand. It has sought to create the impression that the troops were sent in response to an appeal from Thailand for protection from a threat of aggression, and that action was taken in accord with the South East Asia Treaty Organization (SEATO) and the Charter of the United Nations. Our official letter of notification to the United Nations dated May 15 said U.S. military forces were being sent to Thailand "in response to a request by the government of Thailand . . . which now faces a threat of Communist aggression." This communication was signed not by Adlai Stevenson but by his deputy, Charles W. Yost. It may be that after the Cuban affair Mr. Stevenson has grown reluctant to put his signature to these little white prevarications. There has been no sign of any Pathet Lao advance toward the Thai border since the Royal Lao troops fled from Nam Tha. There is no appeal on the record from Thailand for U.S. troops.

Not Very Welcome Defenders

When Mr. Kennedy at press conference May 18 was asked to explain his "rather swift action to move American troops into Thailand," he replied that "in our desire to stabilize the situation we got into touch with the Government [of Thailand] which was already in touch with us, and worked out the proposed course of action." This wording is curiously circuitous. If Thailand had appealed for U.S. troops, it would have been easy to say so. The official troop announcement from the White House two days earlier also failed to say there had been an appeal from Bangkok for aid. It said the action was taken following "joint consideration" by the two governments. Again the phrasing was odd. There is reason to suspect that our government, rather than the Thai, initiated this "consideration," that our government rather than Thailand's has been pressing other members of SEATO to send token forces. This, I believe, explains the evasive replies given by the State Department all last week when asked to clear up these matters; a sample of them is provided in the box above. The key to Thai reluctance may be found in a dispatch to the London *Daily Telegraph* May 16 from its correspondent in Saigon who reported that the Thais had asked the U.S. to deploy its troops "well outside the capital, Bangkok" in order "to avoid giving the impression that the country, which has never been under white colonial rule, has come under alien occupation."

Rockefeller's Ready

Denver, May 12 (UPI)—New York Gov. Nelson Rockefeller said today crises such as in Laos possibly could be avoided if the U.S. would take—and keep—the initiative in the fight against Communism. . . . Earlier today in a speech at Colorado Springs, Col., Rockefeller said the U.S. must not be afraid to use nuclear weapons to preserve freedom."

—Washington Post, May 13

And, as everybody knows, nothing frees people faster than nuclear explosion.

The return of white combat troops to the mainland of Asia is not a popular move. The struggle against colonialism is too recent. This is true not only of neutralist but of independent anti-Communist States. SEATO has itself been suspect from the beginning, as primarily an alliance of white imperial powers. Most of the peoples it purported to protect declined to join. India, Burma, Ceylon and Indonesia turned down John Foster Dulles's invitation to the organizing meeting in Manila in September, 1954; Malaya, which became independent since, refused to become a signatory. Nehru saw

(Continued On Page Four)

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Tito and Mr. K. Don't Mind Criticism of Stalin's Rule But Only of Theirs

It's His Conversation With Khrushchev in Kiev That Did Djilas In

It is, I suspect, not the portrait of Stalin but the portrait of Khrushchev in Djilas's book, "Conversations with Stalin," which got the author into trouble. Djilas, in his estimate of Stalin is more generous than Khrushchev was at the 20th and 22nd Soviet Party Congresses. The revelations in the Djilas book are neither as new nor as damaging as those which Ilya Ehrenbourg is now making in his memoirs, currently being serialized in *Novy Mir,* organ of the Soviet Writers Union.

It is in reporting his 1945 visit with Khrushchev that Djilas touched sensitive territory. Djilas stopped off in Kiev, capital of the Ukraine, on his way back from Moscow in the closing months of the war. Khrushchev was then Secretary of the Ukrainian party and Premier of the government. By normal standards, Djilas's portrait is not unsympathetic. Khrushchev, as Djilas portrays him, already showed the popular touch, the love of turning up on the spot to see for himself, the quick grasp of practical affairs, the lively, homely and unstuffy way of speaking which have marked his tenure in the Kremlin.

Untactful Details

But Djilas added less flattering details to the portrait which no Soviet writer would permit himself: the "unrestrained garrulity," the inferior education, the capacity to bolt huge quantities of food and drink. These make the portrait seem the more human, but dictators like to be pictured as a little more than human.

Then there are the embarrassing paragraphs in which Djilas discusses the Russification of the Ukraine and the fact that Khrushchev, though its Premier, was a Russian. "It was indeed unusual even for us Communists, who are able to justify and explain away everything that might becloud the ideal picture of ourselves," Djilas writes, "that among the Ukrainians, a nation as numerous as the French and in some ways more cultured than the Russians, there was not a single person capable of being Premier of the Government." This is a delicate topic in the USSR.

The book's basic heresy, of course, lies in its challenge to the Soviet line that the evils of the Stalin period were the accidental result of something vaguely called "cult of personality." Djilas says the party bureaucracy needed somebody like Stalin and broke with his methods only to the extent that they became a danger to the party bureaucrats themselves. As Khrushchev complained in Sofia last week-end (*New York Times,* May 20) Stalin turned the secret police "against his own people." Djilas sees the root of the evil in the Party's insistence on an ideological monopoly. These are dangerous thoughts in Yugoslavia as well as in Russia.

Ten years ago in the conversation Dedijer recorded in his biography of Tito, the Yugoslav dictator, in criticizing the Soviet Union, said "There is no freedom of thought and creative work in literature. . . ." Now a new savage prison sentence on his old comrade in arms, Djilas, underscores the Stalinist habits which hang over in Yugoslavia. Khrushchev and Tito both hated the old dictator, and seek to rule more mildly, but like him neither will brook real opposition.

That Fine Old Daily Worker Frenzy

"The book [Conversations With Stalin], without doubt, was written with the precise aim and intention of serving as an instrument of the cold war; it is supposed to be a new stimulant in the cold war campaign which is persistently and carefully planned and worked out in the circles which conduct psychological activities; it has, by the way, even before its publication, already served this purpose. A chorus of hoarse and grating voices has been heard in the Vienna Presse, the Washington Post, the Rome Messagero, the Cologne radio, the Chetnik-Ustashi immigrant press, and all, naturally, in defense of Djilas. Hysterical cries have been heard from those who don't even know how to whisper of the killings in Angola, the genocide in Algeria, the race riots in Alabama, the arrests of political workers or the banning of movements and parties in West Germany, the USA and elsewhere, terror in Spain, violence under the government of Verwoerd or Chiang Kai-shek."

—Yugoslavia's leading paper, BORBA, May 12

Van Allen Belt Discoverer Negative on Shelters, Opposed to Atmospheric Testing

Mr. [Sidney R.] YATES (D. Ill): I was going to ask you the next question as to what your views were on the construction of fallout shelters.

Dr. [James A.] VAN ALLEN [for whom the Van Allen radiation belt is named]: I happen to be negatively inclined. (Discussion off the record). . . .

Mr. YATES: You indicated before that you thought above atmospheric atomic explosions would be profitable and to advantage of the cause of science. Do you hold the same view for atmospheric explosions?

Dr. VAN ALLLEN: I would not at all. I think that the justification for atomic testing in the atmosphere, if there is one, is entirely a matter of military technology.

Mr. YATES: And you are against it?

Dr. VAN ALLEN: I am against it. . . .

Mr. YATES: I do not know that I was fair to you in an earlier question when I asked you about atmospheric nuclear testing and you said you were against it. I think you had spoken of the military basis for it and then you said you were against it. I do not think just that on the record is adequate to reflect your position.

Dr. VAN ALLEN: It is not a field of experience with me. I am against it on the grounds of the impact it has on other countries and —

Mr. YATES: Political impact or social impact?

Dr. VAN ALLEN: I think that testing of bombs in the atmosphere is in the nature of a terror activity. I think it can be so interpreted. I do not say it is, really.

Mr. YATES: What about the effects of fallout itself and the harmful biological effect? Is this a factor?

Dr. VAN ALLEN: It is a factor in the terror. If it were not for fallout, it would be like a big blast of TNT.

Mr. YATES: Or above atmospheric test?

Dr. VAN ALLEN: I am talking about one which yields fallout. I think that the general human reaction to that is one of terror. That is why I feel it is undesirable. I think it is unlikely that the military requirements make it necessary to make more tests. . . .

—House Approp. Com. Hearings on National Science Foundation exec. session Feb. 27, released May 14.

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Freeing of Pete Seeger by Court of Appeals in New York Another Witch Hunt Setback

Supreme Court Reverses Six First Amendment Contempt Convictions

The process of what might be called de-mccarthyization in our country, like that of de-stalinization in the USSR, proceeds slowly. The Judges, as if ashamed, reverse more convictions but on technicalities, still hesitant to affirm fundamental principles. The reversal of six First Amendment contempt convictions by the Supreme Court last Monday and of the Pete Seeger contempt conviction by the Second Circuit Court of Appeals in New York a few days earlier represent a setback for the paranoids in our society, above all for Chairman Walter of House Un-American and Chairman Eastland of Senate Internal Security. They reflect an atmospheric change, but they provide as yet only precarious safeguards against a revival of the witch hunt.

The Judicial See-Saw

The Supreme Court has been see-sawing back and forth between a 5-to-4 lineup against the witch hunters in *Watkins* and *Sweezy* to a 5-to-4 in their favor in *Barenblatt* and its successor cases. Now Mr. Justice Stewart has swung over, and formed a new majority of five against abuse of Congressional investigating powers, but only on the rather fine-spun technicality that the indictments failed to identify the subject under inquiry. The Pete Seeger conviction was reversed on the somewhat similar ground that the indictment failed to spell out the investigating subcommittee's chain of authority. A majority cannot yet be mustered for the basic view (so eloquently expounded by Mr. Justice Douglas in the box below) that Congress under the First amendment has no power to investigate free expression of opinion.

Sad Outlook—For Walter and Eastland

"I am unable to rid myself of the view that the reversal of these convictions on such insubstantial grounds will serve to encourage recalcitrance to legitimate Congressional inquiry."

—Mr. Justice Harlan dissenting (with Mr. Justice Clark) from the reversal of six First Amendment contempt convictions in Russell et al v. U.S. May 21.

These are fragile bulwarks. Theoretically the government could reindict all seven and bring them to trial again. We don't believe this is likely. The cases of Robert Shelton, Alden Whitman, Herman Liveright and Wm. A. Price were the result of an attempt by the Eastland committee and its counsel, Jules Sourwine, to launch an investigation of the press, especially the *New York Times,* in 1955. That soon collapsed and is unlikely to be revived. The other three cases, Norman A. Russell, John T. Gojack and Pete Seeger are equally notorious relics of forays by the Un-Americans into the fields of entertainment and labor. Of three other un-American contempt convictions awaiting decision by the Court, those of Edward Yellin, Bernard Silber and Frank Grumman, the last is certain to be reversed on the same grounds of faulty indictment while the first two may also benefit by the improvement in atmosphere. Thus at least one, and possibly three, new blows are ahead of the Un-American committee. Best of all: the new Justice, White, did not take part in last Monday's decisions. He might provide a majority of six in some future witch hunt appeals.

Justice Douglas Defends Freedom of the Press From Congressional Snoopers

"While I join the opinion of the Court, I think it is desirable to point out that in a majority of the six cases that we dispose of today no indictment, however drawn, could in my view be sustained under the requirements of the First Amendment. The investigation [by the Senate Internal Security subcommittee] was concededly an investigation of the press. . . . The New York Times was a prime target of the investigation, 30 of the 38 witnesses called at the 1955 executive session and 15 of the 18 called at the 1956 public hearings being present or past employees of that paper.

"The power to investigate is limited to a valid legislative function. Inquiry is precluded where the matter investigated is one on which 'no valid legislation' can be enacted. Since the First Amendment provides that 'Congress shall make no law . . . abridging the freedom . . . of the press,' . . . this present investigation was clearly unconstitutional. . . .

"Under our system of government, I do not see how it is possible for Congress to pass a law saying whom a newspaper or news agency or magazine shall or shall not employ. If this power exists, it can reach the rightist as well as the leftist press, as U.S. v. Rumely shows. Whether it is used against the one or the other will depend on the mood of the day. Whenever it is used to ferret out the ideology of those collecting news or writing articles or editorials for the press, it is used unconstitutionally.

"The theory of our Free Society is that government must be neutral when it comes to the press—whether it be rightist or leftist, orthodox or unorthodox. The theory is that in a community where men's minds are free, all shades of opinion must be immune from governmental inquiry lest we end with regimentation. . . .

"Since the editorials written and the news printed and the policies advocated by the press are none of the government's business, I see no justification for the government investigating the capacities, leanings, ideology, qualifications, prejudices or politics of those who collect or write the news. It was conceded on oral argument that Congress would have no power to prescribe loyalty tests for people who work for the press. Since this investigation can have no legislative basis as far as the press is concerned, what then is its constitutional foundation?

"It is said that Congress has the power to determine the extent of Communist infiltration so that it can know how much tighter the 'security' laws should be made. This proves too much. It would give Congress a roving power to inquire into fields in which it could not legislate. If Congress can investigate the press to find out if Communists have infiltrated it, it could also investigate the churches for the same reason. Are the pulpits being used to promote the Communist cause? How about the governing board? How about those who assist the pastor and perhaps help prepare his sermons or do the research? Who comes to the confession and discloses that he or she once was a Communist? . . .

"The strength of the 'press' and the 'church' is in their freedom. If they pervert or misuse their power, informed opinion will in time render the verdict against them. A paper or pulpit might conceivably become a mouthpiece of Communist ideology. That is typical of the risks a Free Society runs. The alternative is governmental oversight, governmental investigation, governmental questioning, governmental harassment, governmental exposure for exposure's sake. Once we crossed that line, we would sacrifice the values of a free society for one that has a totalitarian cast."

—Douglas concurring in Russell et al. v. U.S. May 21

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What If China Put Troops Into Mexico to Warn Us On Cuba?

(Continued From Page One)

the Dulles plan as "likely to change the whole trend toward peace that the Geneva conference has created by its decisions on Indo-China." Pakistan, the Philippines and Thailand were the only Asian countries to join the U.S., Britain, France, Australia and New Zealand in forming the pact. The same queasy feelings have made themselves apparent in Asia in the wake of U.S. action. Japan objected to the sending of troops from her territory as a violation of her defense agreement with the U.S. The Prime Minister of Malaya May 20 announced that his government would not agree to permit British Commonwealth troops stationed in Singapore to be sent to Thailand. Neither Pakistan nor the Philippines have responded to our request for token contingents. Lyndon Johnson was warned by the Filipinos during last year's uproar over Laos not to send U.S. combat troops.

Containment—Of the Republicans

In the cynical atmosphere of Washington, where the troop movements are dismissed light-heartedly as a means of containing the Republicans before the next Congressional elections, little attention is paid to such wider considerations. It is a dangerous myopia that overlooks the instinctive reactions of Asia's vast millions. The action is not even in accordance with the pact we fathered. When Mr. Kennedy was asked at his May 18 press conference what was "the legal basis for our sending troops into Thailand" he replied "the actual legal basis was to put us in position to fulfil our obligations under the SEATO treaty." This was disingenuous. The treaty requires unanimous agreement for armed resistance to aggression, consultation in the event of any other threat to "the inviolability or integrity" of any State covered by its guarantees. We acted first and consulted afterwards. We sent in troops and then having created a fait accompli put pressure on the other members to make it look legal by adding token troops of their own. The Pact was supposed to be a joint venture to protect the stability of Southeast Asia. Suppose some other member thought the sending of U.S. combat troops to Thailand threatened to upset that stability by provoking similar movements by China? Our unilateral action was hardly in accordance with the treaty, as it was hardly in accordance with the UN Charter. If there was a threat to the peace, the Charter should have been invoked. Our obligations to the UN were not fulfilled by sending it a little chit after the event saying (as did our note of May 15), "Consistent with the policy of the United States to keep the United Nations fully informed as to events affecting the maintenance of international peace and security in Southeast Asia, I am informing you of the President's action." What does the Secretary General reply to that? "Thanks a million, and please let us know if you drop any A-bombs . . .?" This wilful disregard of Charter and Treaty hardly accords with all those fine speeches we make about world law.

What if China were to send combat troops into Mexico as a warning to the U.S. to keep hands off Cuba, would we accept this as a purely defensive move intended to maintain peace in accordance with the UN Charter? Or would we suspect China was using Cuba as an excuse to establish a base in North America?

Noon, May 23

Somebody Sort of Got Carried Away

"The free Vietnamese found a determined and resourceful leader . . . Ngo Dinh Diem . . . creating a symbol of liberty and independence . . . the fierce will of the Vietnamese people to survive in freedom . . . the high quality of their fighting spirit. . . ."

—Under Secretary of State George W. Ball: Speech on Vietnam before the Detroit Economic Club April 30.

"South Vietnam—At the end of the fiscal year 1961 the total amount of foreign aid given to this country of some 14 million people amounted to nearly $2 billion. Since President Diem assumed office in 1955, he has taken dictatorial control, either directly or through a small group of intimates, many of whom are members of his family. It is estimated some 30,000 South Vietnamese nationalists are in concentration camps. The lack of freedom of the press and the presence of close governmental controls, have been reflected in the lack of will by some of the South Vietnamese people to fight for their country."

—House Foreign Affairs Com.: Special Study Mission to the Far East: Supplementary Conclusions by Pilcher (D. Ga), *Johnson* (D. Md), *Adair* (R. Ind), *May 22.*

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